

Panlucosi
#303/6/87

To: Chief Deputy
Angelo Falasca
Public Defender's Office
State Office Building

January 4, 1999

RE: SHERMAN A. CARTER v. STATE of DELAWARE
CR.A.No.VN93090851

Dear Mr. Falasca;

I was represented by your office on the date of December 16, 1997. On that date I was resentenced to two years level 5, for the original offence of PDWBPP. Originally I received the three years permitted by statute. However only one year was to be served at level 5. This sentence started on September 4, 1993 per order of sentencing Judge Alford. I served from September 4, 1993 up to November 30, 1994. This was just short of 15 months. Since that time I was returned on June 27, 1997 and remained in custody until September 17, 1997. Judge Alford gave credit for all time previously served. Again on December 1, 1997, I was returned and on December 16, 1997 Judge Alford again sentenced me for the original PDWBPP charge. I have been incarcerated for almost 30 months of the ~~the~~ maximum by statute.

My request to you is that you assign someone to assist me in gaining credit for the time spent in jail pursuant to this crime. I am aware of Title 11 §3901(b) which establishes that, time spent in jail should go towards sentence. I am sure that

PLAINTIFF's
EXHIBIT NO. 11

PRISON HEALTH SERVICES
MENTAL HEALTH UNIT

TO: Sherman Carter

DATE: 2/8/99

RE: Request for Group

This is to inform you that we received your request for group therapy and have added your name to the waiting list. Mental Health groups vary in length and may run from 2 to 12 months depending on which group you have asked for, therefore, it is difficult to tell when you will be called to be interviewed. We appreciate your patience.

PLAINTIFF'S
EXHIBIT NO. 12



Prison Health Services, Inc.

PROGRESS NOTES

Date/Time	Inmate's Name: Carter, Sherman	D.O.B.: 8/15/50
2/8/99 09/10	<p>Seen by individual request. (S) "I'm going through a lot of stress and I can't sleep." (C) Inmate presents with good eye contact, appropriate affect, cooperative. He discussed numerous stressors - the biggest one being that he will lose his job in the law library because of refusal to participate in structure. He admits to having a long history of violent outbursts, and does not believe he can handle a confrontative program. (A) Inmate is requesting help with anger and stress. He is on the list for mental health groups. Reviewed stress management techniques. (P) Follow up next week. MENTAL HEALTH - D. Nisley, M.D.</p>	
DCC 1030 2/12/99	NO show for eye doctor exam - M. Wright	
DCC DATE: 2/18/99	TIME: 11/40 Hx of HTN and Glaucoma. Patient	
BP 136/88	P 64	presents now for re-newal of "eye
T 99 ²	R 16	medication". No other complaints
WT 224	at this time.	
	P- Eye clinic / Ophthalm evaluation	
	Timoptic Sol. gts II BID O.U.	
	Smully, M	
DCC DATE: 3.11.99	TIME: 1515	
F 98/102	86	
T 98.4	18	
V 228 lbs.		
3/12/99 10:46 AC	<p>TA 01 15 10:46 CD. 504. 05 17</p>	

Appendix E

DELAWARE CORRECTIONAL CENTER --- MEMORANDUM

TO: Inmate Sherman Carter, SBI# 102896, Housing Unit T
 VIA: Counselor Mandy
 FROM: I.B.C.C.
 DATE: 2/11/99
 RE: Classification Results

Your M.P.T. has recommended you for the following:

Return I.B.C.C. Decision

The I.B.C.C.'s decision is to

+ Approve Continued Mon/H.C. and T's & Even Sufficient & P.R.P.
 Not Approve _____
 Defer _____
 Recommend _____
 Not Recommend _____

BECAUSE:

<input type="checkbox"/> Lack of program participation	<input type="checkbox"/> Time remaining on sentence
<input type="checkbox"/> Pending disciplinary action	<input type="checkbox"/> Prior failure under supervision
<input type="checkbox"/> Gradual phasing indicated	<input type="checkbox"/> Poor institutional adjustment
<input type="checkbox"/> Open charges	<input type="checkbox"/> Serious nature of offense
<input type="checkbox"/> Prior criminal history	
<input type="checkbox"/> Failure to follow your treatment plan in that you	

☐ You present a current and continuous danger to the safety of staff, other inmates, or the good order of the Institution. Explanation: _____

OTHER: Continued Law Library Clerk Job

ADDITIONAL COMMENTS:

☐ Develop/continue treatment plan with counselor

You will be expected to address the following: _____

Copy to: Classification
 Inmate
 Institution File

Form #456 (3 Part NCR)
 Revised 11/97

PLAINTIFF'S
 EXHIBIT NO. 14



PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

EDWARD C. PANKOWSKI, III
ASSISTANT PUBLIC DEFENDER

TELEPHONE
(302) 577-5130

February 24, 1999

Sherman Carter, SBI#102896
D.C.C.
Rt.#1, Box 500
Smyrna, DE 19977

Dear Mr. Carter:

In response to your January 4, 1999 letter, I am sending the docket sheets on all of your cases. As you can see, Judge Alford gave you credit for time served and you should be released from jail shortly.

Very truly yours,

A handwritten signature in cursive script, appearing to read "E. C. Pankowski".

Edward C. Pankowski, Jr.
Assistant Public Defender

ECP/dd
Enclosure

RECEIVED
1999 MAR -5 P 3:50
D.C. RECORDS

PLAINTIFF'S
EXHIBIT NO. **15**

RECEIVED

FEB 26 1999

To: Deputy Warden
Betty Burris
Delaware Correctional Cent.
Smyrna, DE 19977

D.C.C.
ADMINISTRATIVE SERV

RE: SHERMAN A. CARTER SBI#102896

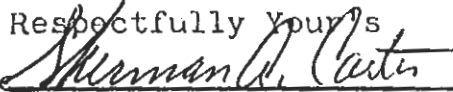
Dear Deputy Warden,

I am contacting you to request that you direct the Records Department to abide by the Delaware Code, Title 11 §3901, which states that any time served at level 5 that was not attributed to any other sentence must be calculated against the present sentence. Records has informed me that I must contact the court to get credit for time served. This was done by me, even though I am not required to take any action to insure that my sentence is calculated properly.

I am sure that if you were to contact the Attorney General's Office, someone there would concede that the duty to calculate my sentence falls on the Department of Justice and the Department of Corrections. I have since 1993 been imprisoned on three separate occasions for this same charge. I was never given a level 5 sentence for any other charge during this period. As of March 2, 1999 I will have served the statutory maximum permitted for the offense. I contacted records back during the summer providing a copy of two sentencing orders that show the incarcerations. I even filed a grievance which has not been resolved since that time.

It is my contention that as of March 2, 1999 I will be illegally held by this facility since I inform of the problem well before the injury could accrue. I would be grateful for any help in this matter.

PLAINTIFF'S
EXHIBIT NO. 16

Respectfully Yours

Sherman A. Carter T-2

To: Warden Robert Snyder
Delaware Correctional Center
Smyrna, DE 19977

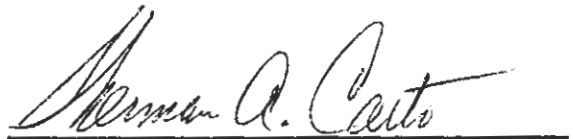
March 4, 1999

RE: ILLEGAL DETENTION

Dear Warden Snyder:

My name is Sherman A. Carter, SBI#102896. I have taken every possible step to gain a calculation of my sentence that will permit my release. I contacted the Record's Department back some six months ago concerning the fact that I have served jail time for this charge three different times. Records informed me that I had to contact the court to get credit for the time served. First let me state that I have no obligation to contact the court. Calculation of my sentence is the province of DOC.

However I did contact the court but todate no response has been received. I even filed a grievance back during the summer, and gave the board the statute that dictates that sentences served at level 5 must be calculated against the sentence in question unless the time was contributed to another sentence, which is not the case. Prisoners have a liberty interest in being released on time, in conformity with the sentence imposed and with relevant state statutes. In order for a cause of action to be brought against this institution and yourself personally, I need only establish that I took steps to inform you of my pending release and to have attempted to have my complaint heard. I now wish to inform you that I will now take all steps necessary to discontinue the violations of my rights further.



Sherman A. Carter
T-2

cc: Deputy Burris
Records
Dept. of Justice

PLAINTIFF's
EXHIBIT NO. 17



STATE OF DELAWARE
DELAWARE CORRECTIONAL CENTER
SMYRNA, DELAWARE 19977

TELEPHONE: (302) 853 - 9261

March 4, 1999

Public Defender of The State of Delaware
Elbert N. Carvel State Office Building
Attn: Edward C. Pankowski, Jr.
Assistant Public Defender
820 N. French Street, Third Floor
P.O. Box 8911
Wilmington, DE 19801

RE: Sherman Carter
SBI #102896

Dear Mr. Pankowski:

Recently we had received a letter that you had sent to your client, Mr. Carter, who was questioning his credit for time previously served. Upon review of Mr. Carter's file, I am showing that he was given credit for time previously served per Cr. A. No. VN93-09-085103.

The date of the sentence was 12/16/97, giving credit for time served (12/1/97), per the sentencing order. We have given him credit for time served on this sentence and as of 3/4/99 Mr. Skinner's short time release date (after meritorious goodtime applied) is 9/17/99.

We can not give any other credit time unless the Judge orders us to do so.

If you have further questions, please contact me at the above number ext. 1692

Sincerely,

A handwritten signature in cursive script, reading "Rebecca L. McBride".

Rebecca L. McBride
Records Supervisor

cc: Inmate File
Francene Kobus

PLAINTIFF'S
EXHIBIT NO. 18

On August 4, 1994, Judge Alford sentenced me to 3 years, suspended after 1 year for decreasing levels of probation. This sentence was begun on September 4, 1993. see docket

I was not released until November 30, 1994, which gave a total of 452 days served.

On June 27, 1997 I was returned to Ganderhill for a VOP. On September 16, 1997 I was sentenced to level 5 and the remainder of sentence was suspended. Given credit for time previously served. see sentencing order. I was released on September 17, giving total of 83 days

On December¹ returned to Ganderhill, sentenced to level 5 for a period of 2 years. I have been incarcerated for a total of 977 days under the only sentence in existence.

The offense to which I was sentenced carries a maximum of 3 years.

RECEIVED
1999 MAR -5 P 3:50
U.S. RECORDS

PLAINTIFF'S
EXHIBIT NO. 19

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

State of Delaware

v.

Sherman A. Carter
DOB: 08/15/50
Def. ID 303X6881DI
SBI #00102896

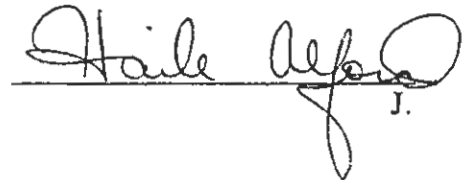
Cr.A. No. VN93-09-0851

AMENDED SENTENCING ORDER

Now this 4th day of March, 1999, it is the Order of the Court that the Sentencing Order of December 16, 1997 is hereby amended as set forth below:

Defendant is placed in the custody of the Dept. of Corrections at Level 5 for two (2) years. The defendant shall be given credit for time previously served.

In all other respects, the Sentencing Order of December 16, 1997 shall remain the same.


J.

Original: Prothonotary's Office - Criminal Div.
cc: Presentence
DCC Records Dept.
Sherman Carter - DCC

PLAINTIFF'S
EXHIBIT NO. **20**